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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/821,244 Confirmation No. : 8388  
First Named Inventor : Kosei GOTO  
Filed : April 9, 2004  
TC/A.U. : 2837  
Examiner : Renata D. McCloud  
  
Docket No. : 056205.53967US  
Customer No. : 23911  
  
Title : Motor Control Device

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 7, 2006, Applicants provisionally elect with traverse Claims 1-11.

Reconsideration of the Restriction Requirement is respectfully requested on the grounds that a prima facie case of independence and/or distinctiveness sufficient to satisfy 35 U.S.C. § 121 and MPEP § 806.05(d). In particular, the Office Action has not set forth how the separately grouped claims meet each of the criteria set forth in MPEP § 806.05(d), particularly as all the claims are directed to a motor control device in Class 318. The mere suggestion that they are classifiable in different sub-classes does not satisfy the overlap/obvious variant required showing.

Applicants also provisionally elect the species of Fig. 2 upon which Claims 1-11 are deemed readable.

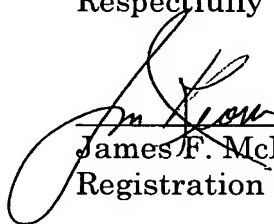
An early action on the merits of all the claims is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056205.53967US).

Respectfully submitted,

October 5, 2006

  
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